



**DHEC's Office of Solid Waste Reduction and Recycling**

**For Your Information...**

## **A Brief History of Environmental Law**

Environmental laws and regulations are in place to protect human health and the environment. As with all laws, environmental laws can be written on a federal, state and local level.

The U.S. Environmental Protection Agency (U.S. EPA) is the primary federal agency that enforces federal environmental laws, but other agencies also have roles. States have their own environmental protection agencies that enforce federal and state environmental laws. In South Carolina, the S.C. Department of Health and Environmental Control (DHEC) is the primary state agency responsible for writing and enforcing environmental laws and regulations.

South Carolina has a long history of environmental regulation. In 1671, the Colonial Assembly passed a law that is still in effect: "Should any person cause to flow into or be cast into any of the creeks, streams or inland waters of this State any impurities that are poisonous to fish or destructive to their spawn, such person shall, upon conviction, be punished."

As environmental awareness increased over the years, so did the passage of laws designed to protect human health and the environment. One of the first federal environmental laws was the River and Harbor Act of 1899 that established the legal basis for banning the pollution of navigable waterways. The Oil Pollution Act of 1924 prohibited oil discharges into coastal water. The Water Pollution Control Act of 1948 authorized the U.S. Public Health Service to work with other federal, state and local entities to prepare comprehensive programs to eliminate or reduce the amount of pollution discharged into rivers, creeks, lakes and other waterways. In 1950, the S.C. General Assembly enacted the first provisions of what is now the S.C. Pollution Control Act authorizing the S.C. Board of Health to regulate sources of water pollution. In the 1970s, major federal environmental laws that passed in the United States included the Clean Air Act (1970), Clean Water Act (1972) and Safe Drinking Water Act (1974). In addition, the U.S. EPA was created in 1970.

The Solid Waste Disposal Act of 1965, the first federal law regarding solid waste management, established the minimum federal guidelines for solid waste disposal. The S.C. Board of Health enacted regulations in 1971 that prohibited open dumps and established standards for solid waste disposal sites. The federal Resource Conservation

and Recovery Act of 1976 (RCRA – pronounced "rick-rah") encouraged states to develop comprehensive solid waste management plans that would include waste minimization and recycling. RCRA, which regulates all types of waste including hazardous, industrial and solid waste, was amended in 1991. This amendment, known to solid waste professionals as Subtitle D, outlines stringent requirements for the location, design, operation and closure of municipal solid waste (MSW) landfills.

Under Subtitle D, state and local governments are the primary agencies for planning, permitting, regulating and enforcing federal laws and regulations for the management of municipal solid waste and non-hazardous industrial solid waste. The U.S. EPA must authorize state programs.

South Carolina has detailed regulations that implement the provisions of the S.C. Pollution Control Act, S.C. Safe Drinking Water Act, S.C. Solid Waste Policy and Management Act, S.C. Hazardous Waste Management Act, S.C. Atomic Energy and Radiation Control Act, S.C. Coastal Zone Management Act and other statutes.

Many cities, towns and industries have National Pollution Discharge Elimination System Permits for the discharge of treated wastewater. Local Council of Governments, made up of county and municipal government representatives, develop comprehensive plans for wastewater treatment and disposal to ensure that as communities grow, adequate treatment capacity will be ready.

Drinking water wells must be built so that they provide safe, drinkable water and prevent the introduction of contaminants into the groundwater supply. Underground storage tanks for gasoline and heating fuel must be tested regularly to detect leaks. Before the passage of the State Underground Petroleum Environmental Response Bank Act of 1988, many tanks leaked and contaminated groundwater that people depended on for drinking water.

Many industries have air permits that limit the amount of pollutants that can be released into the air. State and local governments work closely to reduce the amount of air pollutants that can contribute to the formation of ground-level ozone. Many businesses and industries that use cleaning solvents, paints and other chemicals have RCRA permits to ensure that hazardous waste is stored, treated and disposed of properly.

South Carolina passed its first comprehensive law regarding solid waste management in 1991. The S.C. Solid Waste Policy and Management Act (Act) set up DHEC's solid waste programs including regulation development, compliance and enforcement. The Act also set up DHEC's Office of Solid Waste Reduction and Recycling to provide technical assistance, grant funding and educational programs to local governments, schools, colleges and universities and the public.

The Act also outlines specific requirements for local governments, establishes a Solid Waste Trust Fund and grant program and requires state agencies to report annually on their recycling and buying recycled activities to DHEC. In addition, the Act set goals to recycle 35 percent of the MSW stream and to reduce MSW generation to 3.5 pounds per person per day. Both goals are to be met by 2005.

Environmental law has come a long way since its beginnings. Environmental law is a specialty in both law schools and law firms. Many private companies are set up to consult or provide technical assistance to other companies and governments to make sure they are following particular environmental laws and regulations.

## Major Federal Environmental Laws

**The National Environmental Policy Act** (1969) is one of the first laws written that establishes the broad national framework for protecting the environment. The basic policy of the law is to assure that all branches of government give proper consideration to the environment prior to undertaking any major federal action that significantly affects the environment. The requirements are invoked when airports, highways, military complexes, buildings and other federal activities are proposed. Environmental assessments and Environmental Impact Statements, which are assessments of the likelihood of impacts and alternative courses of action, are required of federal agencies and are the most visible requirements of the law.

**The Clean Air Act** (1970) regulates air emissions from area, stationary and mobile (cars and trucks) sources. The law authorized the U.S. EPA to establish National Ambient Air Quality Standards (NAAQS).

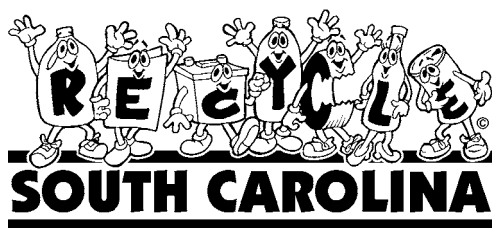
**The Clean Water Act** (1972) establishes the basic structure for regulating the discharge of pollutants into the waters of the United States. The law gave the U.S. EPA authority to implement pollution control programs such as setting wastewater standards for industry. The law also authorized water quality standards to be set for all contaminants in surface waters. The law made it unlawful for any person to discharge any pollutant from a point source into navigable waters unless a permit was obtained.

**The Safe Drinking Water Act** (1974) protects the quality of drinking water. The law focuses on all waters actually or potentially designed for drinking use whether from above ground or underground sources.

**The Resource Conservation and Recovery Act** (1976) provides the U.S. EPA authority to control hazardous waste from "cradle to grave." This includes the generation, transportation, treatment, storage and disposal of hazardous waste. This law also set a framework for the management of non-hazardous waste. In 1986, this act was amended to address environmental problems that could result from underground storage tanks containing petroleum and other hazardous substances. This law also is known as RCRA.

**The Comprehensive Environmental Response, Compensation and Liability Act** (1980) provides for a federally funded "Superfund" to clean up uncontrolled or abandoned hazardous waste sites as well as accidents, spills and other releases of pollutants into the environment. The law provides the U.S. EPA the authority to locate the parties responsible for any release and assure their cooperation in the cleanup. This law also is known as CERCLA (pronounced "sir-cla").

**The Pollution Prevention Act** (1990) focuses industry, government and public attention on reducing the amount of pollution through cost-effective changes in production, operation and raw material use. Pollution prevention also includes other practices that increase efficiency in the use of energy, water and other natural resources. Practices include source reduction, recycling and sustainable agriculture.



Office of Solid Waste  
Reduction & Recycling  
1-800-768-7348 • [www.scdhec.gov/recycle](http://www.scdhec.gov/recycle)

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